

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JORGE ADABERTO MUTZUTZ SUTUI,

Plaintiff,

v.

CURRENT OR ACTING FIELD OFFICE
DIRECTOR,

Defendant.

Case No. 23-cv-05455-RMI

ORDER RE: MOTION TO DISMISS

Re: Dkt. No. 9

Petitioner filed a Petition for Writ of Habeas Corpus (dkt. 1), through which he requested a bond hearing during the pendency of his immigration removal proceedings. Several weeks later, “Petitioner was legally removed from the United States to Guatemala and his removal from the United States was verified by a DHS official who witnessed the removal.” Resp.’s Mot. (dkt. 9) at 4. Deportation after filing a habeas petition does not always moot a petitioner’s claim. *See Abdala v. INS*, 488 F.3d 1061, 1063-1064 (9th Cir. 2007). “For a habeas petition to continue to present a live controversy after the petitioner’s release or deportation, however, there must be some remaining ‘collateral consequence’ that may be redressed by success on the petition.” *Id.* (citing *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)). Because the Petition only sought a bail determination pending removal, the government’s motion to dismiss the Petition as moot is **GRANTED**.

IT IS SO ORDERED.

Dated: March 11, 2024



ROBERT M. ILLMAN
United States Magistrate Judge